

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

CLERK
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Case No. 2:23-cv-453

Defendants.

As an alternative to serving a summons, a plaintiff may request that a defendant waive service of the summons under Rule 4(d). If the defendant timely returns the waiver, “[w]hen the

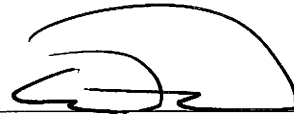
plaintiff files [the] waiver, proof of service is not required[.]” Fed. R. Civ. P. 4(d)(4).

Otherwise, Rule 4(l)(1) requires proof of service of the summons be made to the court. In this case, no waiver or proof of service has been filed with the court.

“Before a federal court may exercise personal jurisdiction over a defendant, the procedural requirement of service of summons must be satisfied.” *Omni Capital Int’l, Ltd. v. Rudolf Wolff & Co.*, 484 U.S. 97, 104 (1987). Because it has been more than ninety (90) days since Plaintiff filed the Complaint, and no waivers or proofs of service have been filed, Plaintiff is hereby ORDERED to file a waiver or proof of timely service, or to show good cause for his failure to serve either Defendant, on or before January 26, 2024. If Plaintiff should fail to respond, the case must be dismissed under Rule 4(m).

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 8th day of January, 2024.

A handwritten signature in black ink, appearing to read 'G. Crawford', is written over a horizontal line.

Geoffrey W. Crawford, Chief Judge
United States District Court